

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
KASHNER DAVIDSON SECURITIES CORP., <i>et al.</i>	)	
	)	
v.	)	Case No. 05-CV-11433-JLT
	)	
STEVEN MSCISZ, <i>et al.</i>	)	
_____	)	

**SUPPLEMENT TO  
STATEMENT OF REASONS SUPPORTING  
CUSTOMERS' MOTION TO STAY ACTION  
AND FOR PROTECTIVE ORDER**

The defendants/plaintiffs-in-counterclaim, Steven Mscisz, Mark Mscisz and Lynda Mscisz ("Customers") hereby supplement their Statement of Reasons Supporting Customers' Motion to Stay Action and for Protective Order ("Brief") to correct a statement that, although true when made, is no longer accurate.

More specifically, the Customers stated in paragraph 14 of the Brief that they "estimate that the Appeal will be orally argued in November 2005 and finally resolved in early 2006." However, that estimate was made before the Supreme Judicial Court ("SJC") solicited briefs from *amici curiae*,<sup>1</sup> thereby delaying oral argument. According to the SJC's *amicus* announcement, that argument is now "tentatively scheduled for January 2006." Assuming that oral argument is heard in the SJC's January sitting and that court's decision is not extraordinarily delayed, the Appeal should be resolved by mid-2006.

---

<sup>1</sup> A true copy of the SJC's *amicus* announcement is attached to this memorandum as Exhibit A.

STEVEN MSCISZ,  
MARK MSCISZ &  
LYNDA MSCISZ,

By their attorney,

*/s/ William P. Corbett, Jr.*

---

William P. Corbett, Jr. (BBO #561201)  
THE CORBETT LAW FIRM  
*A Professional Corporation*  
85 Exchange Street, Suite 326  
Lynn, Massachusetts 01901-1429  
(781) 596-9300

Dated: September 29, 2005

# ***Exhibit A***

**SUPREME JUDICIAL COURT FOR THE COMMONWEALTH**  
**ANNOUNCEMENT**

THE SUPREME JUDICIAL COURT IS SOLICITING AMICUS BRIEFS OR MEMORANDA FROM  
INTERESTED PARTIES IN THE FOLLOWING APPEAL PENDING BEFORE THE COURT

THE ARGUMENT IS TENTATIVELY SCHEDULED FOR JANUARY 2006

**SJC-09542**  
**Superadio Limited Partnership v. Walt "Baby" Love Productions, Inc.**

**SJC-09529**  
**Steven Mscisz & others v. Kashner Davidson Securities Corp. & others**

In these cases, paired for argument, the issue presented, among others, is whether a lawyer licensed to practice in another state but not admitted in Massachusetts engages in the unauthorized practice of law by representing non-Massachusetts residents at an arbitration hearing in Massachusetts.

*Interested parties may inspect the briefs and appendices on file in the Office of the Clerk for the Commonwealth, John Adams Courthouse, Suite 1-400, Pemberton Square, Boston (Telephone 617-557-1020). Parties filing amicus briefs are expected to comply with the requirements of Rules 17, 19 and 20 of Mass. Rules of Appellate Procedure. Amicus briefs, to assist the court, should focus on the ramifications of a decision and not solely on the interests of the parties filing such briefs.*

*Susan Mellen, Clerk*

*September 27 , 2005*